

### REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 6-15 were pending in the present application. Claims 6 and 10 have been amended and claims 16-18 have been added hereby. Accordingly, claims 6-18 will be pending herein upon entry of this Amendment. Support for the amendment to claims 6 and 10 can be found, for example, in Figures 2, 3 and 4 of the present application. Support for the new claims can be found, for example, on page 4, lines 15-16 and lines 24-25; and page 5, lines 1-3 of the present specification.

In an Office Action dated June 30, 2003, claims 6-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,452,925 to Sistanizadeh et al. ("Sistanizadeh"), in view of Tao et al. (Internet Access via Baseband and Broadband ISDN Gateways, published 12/4/94) ("Tao"), and further in view of U.S. Patent No. 5,917,624 to Wagner ("Wagner"). In a Request for Reconsideration filed September 30, 2003, Applicants maintained that independent claims 6, 10, and 11 were allowable over the asserted prior art because that prior art failed to disclose at least the features of intermittent and automatic setting up and termination of a second connection during data transmission. In an Advisory Action dated October 21, 2003, the Examiner indicated that this argument raised new issues that require additional search.

In the present amendment, claims 6 and 10 have been amended to more clearly recite the feature of intermittently setting up a second connection. Applicants note that claim 11 already recites the intermittent setting up of a second channel. The intermittent nature of the data channel connection is a feature of the present invention that clearly distinguishes it over Sistanizadeh. Sistanizadeh is directed to a method for providing internet access via a Public Switched Telecommunications Network (PSTN). A subscriber communicates with a DHCP server to obtain a temporary IP address (Column 9, lines 50-54). The DHCP server assigns ("leases") the temporary IP address to the subscriber and updates a database in a DNS (Column 12, lines 24-28). During the lease time, a data connection is established and the subscriber may receive or send data over the internet. The user may initiate termination of the lease, as indicated in Figure 9, after which data transmission ceases, requiring a re-initialization at the subscriber's personal computer to be performed to re-establish an IP address (Column 14, lines 18-25). Although the user may choose to terminate a connection before a preset lease time for the temporary IP expires, the data line connection remains on as long as the user maintains the IP address ("The BOUND stage persists as long as the PC is on-line and has an IP" (Column 14, line 3-4)). Consequently, Sistanizadeh discloses continuous, not intermittent, connection to a data channel.

Tao discloses general features of ISDN networks including sending transmissions over more than one channel (see, e.g., the abstract).

Wagner discloses providing simultaneous telecommunications and video capability to a home.

Applicants submit, however, that neither Tao nor Wagner teaches or suggests the features of intermittently maintaining a second connection when a first channel is occupied. The present invention, on the other hand, as illustrated in Figure 2, provides a connection to the data channel (B-Kanal) that is intermittently established and shut down while connection to a signaling channel (D-Kanal) is maintained. Applicants therefore submit that the intermittent feature of the payload connection, distinguishes the presently claimed invention from the prior art. Inasmuch as these features are not fairly taught or suggested by the prior art cited, Applicants submit that entry of the current amendment will place claims 6, 10, and 11 in condition for allowance.

In addition, new dependent claims 16-18 additionally recite the feature of establishing a connection to a second channel only given data traffic. The prior art cited and referred to above does not teach or suggest the setting up of a second connection only during data traffic. The present specification states that "a payload channel is set up for the connection only given data traffic" (page 4, lines 18-19); and "[a]fter the setup of a payload channel because of data traffic and a burst-like data transmission, a clear-down of the payload channel connection ensues" (page 4, lines 24-25). Furthermore, it is stated on page 5, lines 4-5 that the "payload channels ... are free in the data transmission pauses." The above statements clearly indicate that a feature of the present invention is that the second (payload) channel connection is maintained only when data is being transmitted.

Inasmuch as these features are not taught or fairly suggested by the prior art cited, Applicants submit that new claims 16-18 should also be in condition for allowance.

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Furthermore, Applicants submit that, at least due their dependence on allowable claims, the remaining claims are in condition for allowance.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

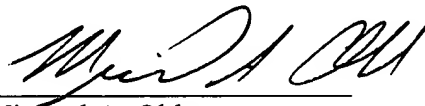
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Respectfully submitted,

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Attachments:

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